

Serial No. 09/827,303
Reply to Office Action of January 6, 2005

REMARKS/ARGUMENTS

Claims 1-20 are pending in the application. All claims are rejected. Claims 1 and 10 are further amended. Claim 11 is canceled. Claims 1-10 and 12-20 remain in the case.

Claims 1-2, 9-11, 14 and 19 stand rejected under 35 USC 103(a) as being unpatentable over US Patent No. 6,192,365 ("Draper") in view of US Patent No. 5,758,300 ("Abe").

The rejection of claims 1 and 10, as amended, is respectfully traversed. The "Response to Arguments" in the present Final Office Action is noted. Applicant continues to assert that the mere presence of a data base having a tree structure does not render claims 1 and 10 unpatentable. However, to gain allowance of the case, claims 1 and 10 have been further amended to recite that:

said logic trees [represent] diagnosing algorithms, survey questions, and/or troubleshooting instructions that are given to help field personnel recognize appropriate questions sets to use in a particular situation and how to ask those questions in a logical manner

Support for the amendments to claims 1 and 10 are found, inter alia, in the specification at page 9, lines 4-7.

The rejection of claim 11, now canceled, is also traversed. All of the limitations of claim 11, as well as other limitations noted above appear in amended claim 10. There is simply no suggestion in the wireless automotive diagnostic system of Abe regarding the transmittal of logic trees, or of altering the transmittal of logic trees for any purpose. Applicant has carefully reviewed column 4, lines 58-63 of Abe and can find no relevant teachings for a proper combination of references affecting the patentability of claim 11.

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Notwithstanding of the remarks above, and the Applicant's previous remarks, claims 1 and 10 have been further amended to refine the nature of the "logic trees" and the purpose for doing so, in a manner that is neither taught nor suggested in either Draper or Abe, nor in the combination thereof.

For these reasons, claims 1 and 10 are now deemed to be patentable over the combination of the Draper and Abe reference, and allowable under 35 USC 103(a). The remaining claims rejected under the combination of the Draper and Abe references are deemed to be allowable as being dependent upon an allowable base claim.

Claims 4 and 15 stand rejected under 35 USC 103(a) over Draper and Abe in view of US Patent 5,758,300 ("Abe") and further in view of US Patent No. 6,476,833 ("Moshfeghi").

The rejection of claims 4 and 15 is respectfully traversed. Claim 4 is deemed to be allowable as depending from allowable base claim 1 for the reasons given above. Claim 15 is deemed to be allowable as depending from allowable base claim 10 for the reasons given above.

Claims 5-8, 12-13, 16-18 and 20 stand rejected under 35 USC 103(a) as being unpatentable over Draper and Abe and further in view of US Patent No. 5,974,238 ("Chase").

The rejection of claims 5-8, 12-13, 16-18 and 20 is respectfully traversed. Claims 5-8 are deemed to be allowable as depending from allowable base claim 1 for the reasons given above. Claims 12-13, 16-18 and 20 are deemed to be allowable as depending from allowable base claim 10 for the reasons given above.

In view of all of the above, the claims are now believed to be allowable and the case in condition for allowance which action is respectfully requested. Should the Examiner be of the opinion that a telephone conference would


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expedite the prosecution of this case, the Examiner is requested to contact Applicants' attorney at the telephone number listed below.

No fee is believed due for this submittal. However, any fee deficiency associated with this submittal may be charged to Deposit Account No. 50-1123.

Respectfully submitted,

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